IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 22nd day of November, 2002

Criminal Misc. Bail Application Number 1246of 2002

Order on the Bail Application

CRIMINAL SIDE

Sher Singh son of Sri Chet Ram, r/o Lachhi Bhatbhoj Dineshpur, P.S. Rudrapur, District Udham Singh Nagar

…… Applicant(s)

Versus

State of Uttaranchal. …….. Opposite Party

Arising out of- Case crime no. 1241 of 2002,
Under Sections 376/506 of I.P.C.,
P.S. Rudrapur,
District Udham Singh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant-accused and the Addl. Government Advocate.

According to the prosecution version, the victim Km. Vimla was forcefully picked up by the applicant-acused while she had gone to ease herself outside her house and later on according to the version, she was forciably taken to the house of the applicant-accused where rape was committed upon her. She returned to her house early morning, but F.I.R. was lodged after five days. Medical evidence does not support the allegation of rape. The extract of the family register show that the victim was more than 25 years old. Considering totality of circumstances of the case, I find it to be a fit case forbail.

Let the applicant Sher Singh son of Sri Chet Ram, r/o Lachhi Bhatbhoj dineshpur, P.S. Rudrapur, District Udham Singh Nagar be released on bail in case crime no. 1241 of 2002, under sections 376/506 of I.P.C., P.S. Rudrapur, District Udham Singh Nagar on his filing a personal bond and adequate sureties to the satisfaction of C.J.M., Udham Singh Nagar.

(Irshad Hussain, J.)

22.11.02./B.